

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MICHAEL O. SPARKS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:21-cv-00283-RAH-JTA
	)	[WO]
MALINDA ANDERSON,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on the Plaintiff's Motion to Remand, (*see* Doc. 5), which seeks an order remanding this case to the Circuit Court of Bullock County, Alabama. In his motion, Plaintiff Michael O. Sparks argues that the Defendant, Malinda Anderson, has failed to prove by a preponderance of the evidence that the amount in controversy is in excess of \$75,000 because the referenced settlement demand letter (*see* doc. 7-1) was not attached to the removal petition and argues that even if it had been attached to the petition, the letter is simply reflective of posturing and is not sufficiently detailed to constitute reliable evidence of the amount in controversy.

While the January 21, 2021 settlement demand letter<sup>1</sup> consists of six single-spaced pages that explain in detail the issue of liability and the Plaintiff's injuries and damages, all of which, according to the Plaintiff himself, justify a policy-limits settlement demand

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<sup>1</sup> The letter was filed on May 14, 2021, approximately one month after the removal petition was filed. Although the letter was not attached to the removal petition, the Court is permitted to consider it. *See Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 772-74 (11th Cir. 2010).

of \$100,000 (*see* docs. 7-1, 7-2 at 4) as of January 21, 2021, the Plaintiff counters with an affidavit from his legal counsel (*see* doc. 8-1), dated May 28, 2021, that says nothing other than that “[a]t the time the Complaint was filed in the Circuit Court of Bullock County (09-CV-2021-90016), the amount in controversy was less than \$75,000.” The affidavit does not explain why the January 21, 2021 letter is incorrect, unreliable, or an inaccurate recitation of the facts, nor does it give any explanation as to why the amount in controversy was less than \$75,000 on March 23, 2021, the date the Complaint was filed.

Given the contents of the January 21, 2021 demand letter, the Court concludes that the Defendant has proven by a preponderance of the evidence that the amount in controversy is in excess of \$75,000. *See, e.g., Hall v. State Farm Mutual Auto. Insurance Co.*, Case No. 3:20-cv-404-RAH-WC, 2020 WL 4757069 (M.D. Ala. Aug. 17, 2020).

The Plaintiff’s Motion to Remand (Doc. 5) is due to be and is hereby DENIED.

DONE, this the 22nd day of June, 2021.

/s/ R. Austin Huffaker, Jr.  
R. AUSTIN HUFFAKER, JR.  
UNITED STATES DISTRICT JUDGE